IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25229 of 2004

Between:

Softy Ice Cream

Proprietor Mohd. Ashfaq Quadeer,

S/o.M.A.Quadeer, aged about 22 years,

Occ: Business, R/o.H.No.5-9-112 to 117,

Ground Floor, 21st Century Commercial Complex,

Nampally,

Hyderabad.

..... PETITIONER

AND

1. Chief General Manager/Commercial,

APCPDCL, III Floor, Singareni Bhavan,

Red Hills, Hyderabad.

2. Superintending Engineer,

Assessment/APCPDCL,

A.P.State Housing Corporation Building,

Urdu Hall Line, H.No.3-6-184, IV Floor,

St.No.17, Himayathnagar, Hyderabad-29.

3. Divisional Engineer/Assessment/1/APCPDCL,

Office at A.P.State Housing Corporation Building,

4th Floor, Street No.17, Urdu Hall Galli,

Himayatnagar, Hyderabad-029.

4. Inspecting Officer,

ADE/DPE-I/Hyderabad City-1,

Officer at A.P State Housing Corporation Building,

Urdu Hall Lane, House No.3-6-184, 4th Floor,

Street No.17, Himayathnagar, Hyderabad-29.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring that the impugned order Lr.No.CGM (Coml)/SE©/DE©/ADE-2/D, Bi, 2573/04, dated:3-12-2004 passed by the Respondent No.1, confirming in Proceeding No.SAP/2842 of June, 2004, dated 16-6-2004 confirming the final assessment dated: 6-5-2004 as illegal, improper, arbitrary and in violation of the Electricity Act and principles of natural justice and fair play.

Counsel for the Petitioner: MR.ALI FAROOQUE

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court at the admission stage made the following :

ORDER:

The petitioner was issued an order of final assessment, dated 16.06.2004, whereunder the petitioner was required to pay a sum of Rs.60,225/-, towards the cost of power said to have been pilfered. The petitioner preferred an appeal before the appellate authority/second respondent herein. The appellate authority has insisted upon payment of half of the amount covered by the order of final assessment, as a condition precedent for entertaining the appeal. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The petitioner availed the remedy of appeal against the order of final assessment

under the terms and conditions of supply. Any consumer, who intends to avail the remedy of appeal, has to deposit half of the amount covered by the order of final assessment. The petitioner expressed its difficulty in complying with the condition. It is represented that it has already paid a sum of Rs.12,748/- to ensure continuance of power supply at the stage of passing of final assessment order.

Hence, the writ petition is disposed of, directing that the respondents shall restore and continue the power supply to the petitioner, on condition that it deposits a further sum of Rs.17,500/- (Rupees seventeen thousand five hundred only), within a period of two weeks from today. It is also under an obligation to pay the regular consumption charges. There shall be no order as to costs.

_____

31.12.2004

Note: Issue wire at party's costs.

(B/o)

Jsu

To

1. Chief General Manager/Commercial,

APCPDCL, III Floor, Singareni Bhavan,

Red Hills, Hyderabad.

2. Superintending Engineer,

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